

AFFIDAVIT

1:19MJ2272

I, Ian M. Brock, currently assigned to the Cleveland Division of the FBI, hereinafter referred to as your Affiant, being duly sworn, do state the following:

INTRODUCTION

1. As a Special Agent of the FBI, your Affiant is an investigative law enforcement officer of the United States of America within the meaning of Title 18 U.S.C. 2510(7). Your Affiant is empowered to conduct investigations and to make arrests for federal felony offenses.

2. Your Affiant has been employed by the Federal Bureau of Investigation for 12 years and has been assigned to the Cleveland Division of the FBI for each of those 12 years. During that time, your Affiant has been assigned to investigate activities of drug trafficking organizations, drug-related gang and violent crime activities, and other criminal offenses. As a Special Agent of the FBI, your Affiant has participated in narcotics/drug enforcement, and the dismantlement of mid- to upper-level drug trafficking organizations. Your Affiant has planned and executed long-term investigative operations which have led to the disruption and dismantlement of criminal street gangs whose revenues centered primarily around the trafficking and distribution of illicit drugs.

3. As a Special Agent in the FBI, your Affiant received basic drug training at the FBI Academy in Quantico, Virginia. Your Affiant has received field training and accrued practical experience in advanced drug-related investigative techniques, which include, but are not limited to, surveillance, undercover operations, interview and interrogation techniques, informant recruitment and control, search warrant and case preparation, and interception and analysis of recorded conversations. Your Affiant has been involved in multiple controlled

purchases of drug evidence and subsequent arrests of defendants charged with drug-related crimes. Your Affiant has supervised the activities of informants who have provided information concerning controlled substances and organized criminal activities, purchased controlled substances, and supervised consensual monitoring in connection with these investigations. Your Affiant has utilized various forms of tracking technology to assist in various forms of criminal investigation.

4. Your Affiant makes this affidavit in support of a criminal complaint and arrest warrant for RUSSELL WHISENANT, III, for possessing with intent to distribute cocaine base in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B), and for being a felon in possession of a firearm affecting interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1).

BASIS OF INFORMATION

5. Your Affiant is familiar with the facts and circumstances of the offenses described in this Affidavit based upon your Affiant's personal participation in the investigation of WHISENANT, as well as through information obtained from other law enforcement agencies, witnesses, and reliable sources.

6. Except as otherwise noted, the information set forth in this Affidavit has been provided to your Affiant by FBI Agents or other law enforcement officers. Unless otherwise noted, whenever in this Affidavit your Affiant asserts that a statement was made, the information was provided by another law enforcement officer (who may have had either direct or hearsay knowledge of the statement) to whom your Affiant has spoken or whose report your Affiant has read and reviewed. Likewise, information resulting from surveillance, except where otherwise indicated, does not necessarily set forth your Affiant's observations but rather has been provided

directly or indirectly by FBI Agents or other law enforcement officers who conducted such surveillance. Likewise, any information pertaining to vehicles and/or registrations, personal data on subjects and record checks has been obtained through the Law Enforcement Automated Data System (LEADS); from Thompson Reuters, a law enforcement credit header database (CLEAR); from the State of Ohio or the National Crime Information Center (NCIC) computers; or by the Ohio Law Enforcement Gateway database (OHLEG) by members herein described.

7. Since this Affidavit is being submitted for the limited purpose of securing the requested arrest warrants, this affidavit does not contain each and every piece of information known to your Affiant and other investigators, but rather only information sufficient to establish probable cause to support the requested arrest warrants.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

8. On June 13, 2019, United States Magistrate Judge Jonathan D. Greenberg, Northern District of Ohio, signed a warrant authorizing the search of 4420 West 53rd Street, Apt. Up, Cleveland, Ohio. Records checks identified RUSSELL WHISENANT, III as a resident of that address and unit. Also, WHISENANT was observed at the residence on multiple occasions prior to obtaining the search warrant. Investigators with the Northern Ohio Law Enforcement Task Force (NOLETF) executed the search warrant on June 14, 2019, at approximately 7:00 a.m. Upon entering the residence, investigators observed WHISENANT sleeping on a couch with a female companion. Upon seeing investigators WHISENANT said he knew why investigators were there and his female companion had nothing to do with it. When asked why he thought investigators were at his residence, WHISENANT said they were looking for drugs. When asked why WHISENANT thought investigators were searching for drugs, WHISENANT told investigators there was a bag in his kitchen filled with crack (cocaine base) that belonged to him,

along with a smaller amount of crack (cocaine base) in a vehicle parked in his driveway that belonged to him as well. During the search of the residence, investigators discovered a bag containing a white substance in the kitchen as described by WHISENANT, as well as a smaller amount of the same substance in a vehicle parked in WHISENANT's driveway, also as described by WHISENANT. Investigators also located indicia of drug trafficking such as packaging material for sales. Lab testing revealed the white substance found in WHISENANT's residence weighed 87.59 grams and was positive for the presence of cocaine base, and the white substance found in the vehicle in WHISENANT's driveway weighed 1.41 grams and was positive for the presence of cocaine base as well. In my training and experience, this amount of crack cocaine far exceeds personal use amounts and are instead distribution levels.

9. . Also discovered inside the residence were a Remington Model 870, 12 gauge shotgun; a Smith & Wesson Model 37, .380 caliber revolver; and a .357 caliber magnum revolver. As investigators were exiting the residence with the shotgun, WHISENANT observed this and advised investigators the shotgun was loaded. WHISENANT has at least one felony conviction, including two for violation Ohio Revised Code Section 2925.03 (one is an F3 and one is an F4) in Cuyahoga County, Ohio. Neither Remington nor Smith & Wesson manufacture weapons in the State of Ohio, and therefore the weapons must have traveled in interstate commerce.

10. Based on the foregoing, Your Affiant believes that there is probable cause to believe that RUSSELL WHISENANT, III did possess with intent to distribute cocaine base in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B), and was a felon in possession of a firearm affecting interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1).



Special Agent Ian Brock
Federal Bureau of Investigation

This affidavit was sworn to by the affiant by telephone after a PDF was transmitted by email, per
Crim. R. 41(d)(3) on this 10th day of December, 2019.



DAVID A. RUIZ
UNITED STATES MAGISTRATE JUDGE

